

RURAL MUNICIPALITY OF ROSSER

By-Law No. 6-10

BEING A BY-LAW TO ESTABLISH A DESIGNATED OFFICER POSITION TO ENFORCE BY-LAWS, THE ACT AND ANY OTHER ACT THE MUNICIPALITY IS AUTHORIZED TO ENFORCE

WHEREAS:

- A. Sections 232(1)(o) and 236(1) of *The Municipal Act* (the “Act”) authorize a council to pass by-laws for municipal purposes respecting the enforcement of by-laws, which by-laws may include provisions for inspections and the remedying of by-law contraventions;
- B. Section 130 of the Act authorizes the establishment of a position to carry out the powers, duties and functions of a designated officer under a by-law, the Act or any other Act;
- C. Section 85(1) of the Act authorizes a council to delegate any of its powers, duties or functions under the Act to a designated officer, unless the Act otherwise provides;
- D. Sections 242 and 245 of the Act provide for the making of orders to remedy, and the remedying of, or to prevent the reoccurrence of, a contravention of a by-law, the Act or any other Act a municipality is authorized to enforce;
- E. Sections 243 and 246 of the Act provide for the making of orders to remedy, and the remedying of, dangers to public safety and property in an unsightly condition;
- F. Section 239 of the Act authorizes a designated officer to enter onto land, or into buildings or other structures if the Act or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality; and
- G. The Council of the Rural Municipality of Rosser deems it advisable and in the public interest to establish the position of By-Law Enforcement & Animal Control Officer and to make this a designated officer position for the purpose of:
 - a. enforcing by-laws;
 - b. making orders for the remedying of
 - i. contraventions of by-laws, the Act or any other Act the Municipality is authorized to enforce, and
 - ii. dangers to public safety or property that is in an unsightly condition; and
 - c. taking remedial action where required.

NOW THEREFORE, the Rural Municipality of Rosser in council assembled enacts as a by-law the following:

- 1. The purpose of this by-law is to establish a designated officer position to enforce by-laws, the Act and any other Act the Municipality is authorized to enforce.
- 2. The position of By-Law Enforcement & Animal Control Officer (the “Officer”) is established. Council may appoint the Officer by resolution.
- 3. Council grants the Officer all powers, duties, discretion and functions set out in the Act, and authorizes the Officer:
 - a. to enforce the by-laws of the Municipality, the Act and any other Act the Municipality is authorized to enforce, and
 - b. to act as the designated officer for the purposes of this by-law.
- 4. The Officer shall also have the powers, duties, discretion and functions of a designated officer set out in:

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- a. section 242 of the Act, for the purpose of making orders requiring persons responsible for the contravention of a by-law, the Act or any other Act the Municipality is authorized to enforce, and
 - b. section 243 of the Act, for the purpose of making orders with respect to dangers to public safety or property that is in an unsightly condition.
5. The Officer may carry out any inspection to determine whether by-laws, the Act or any other Act the Municipality is authorized to enforce are being complied with, or to determine what actions or measures a person or property owner needs to take in connection with any of the purposes set out in paragraph 4.a or b.
6. The Officer's order must be given in writing, and may provide that if the person or owner of property does not comply with the order within the specified time, the Municipality will take the action or measures at the expense of that person.
7. The Officer may conduct any inspection necessary to determine whether the actions or measures set out in the order have been taken to remedy the contravention or situation, or to prevent a reoccurrence of the contravention.
8. A person served with an order may request Council to review the order by written notice to Council within 14 days after the date the order is received.
9. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review of the order, and shall notify the person of the date of the review.
10. The time specified for compliance in an order is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.
11. At the time and place set out in the notice, Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
12. If the order of the Officer so provided, the measures will be taken at the person's expense. The Municipality may collect any amount owing in the same manner as a tax may be collected or enforced under the Act.
13. The Municipality may sell all or part of any structures, materials or items removed as a result of any measures taken. The proceeds of any such sale will be used to pay expenses and costs incurred in connection with the making of the order and taking of the measures by the Officer. Any excess proceeds will be paid to the person entitled to them.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 77 E PR 221, Rosser in the Province of Manitoba this 10th day of August, A.D. 2010.

Alice Bourgouin
Reeve

Beverley Wells
Chief Administrative Officer

READ A FIRST TIME this 13th day of July, 2010

READ A SECOND TIME this 13th day of July, 2010

READ A THIRD TIME this 10th day of August, 2010